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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 9th September 1957

S.R.O. 2939.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 479 of 1957, presented to the Commission on the 3rd August, 1957 under section 81 of the said Act, by Shri Hira Singh Pal, S/o Shri Parshotam Dass Pal, village Domehar, Tehsil Arki, District Mahasu (Himachal Pradesh), calling in question the election to the House of the People from the Mahasu constituency of that House of Shri Yashwant Singh Parmar, s/o Shri Shiva Nand Bhandari, Nahan, Tehsil Nahan, District Sirmoor (Himachal Pradesh).

Presented to me by Shri Hira Singh Pal, whose signature has been obtained in the margin and attested as having been signed by me this the Third day of August One Thousand Nine Hundred and Fifty-seven.

(Sd.) A. KRISHNASWAMY Aiyangar,
Secretary,

Election Commission, India.
The 3rd August, 1957

(Sd) HIRA SINGH PAL,
Attested.

(Sd.) A. KRISHNASWAMY Aiyangar,
Secretary, Election Commission, India.
The 3rd August, 1957

TO THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 479 OF 1957

Shri Hira Singh Pal, S/o Shri Parshotam Dass Pal, caste Rajput, village Domehar, Tehsil Arki, District Mahasu, Himachal Pradesh, candidate for the Lok Sabha from Mahasu (double member) Parliamentary Constituency—*Petitioner.*

Vs.

1. Shri Yashwant Singh Parmar, S/o Shri Shiva Nand Bhandari, caste Rajput, Nahan, Tehsil Nahan, District Sirmur, H.P., Returned candidate for Lok Sabha from Double Member (General Seat) Mahasu Parliamentary Constituency. Presently residing at New Delhi—*Respondent No. 1.*

2. Shri Nek Ram, S/o Shri Barkat Dass, caste Thatara, Narkanda, Tehsil Theog, District Mahasu, H.P., Returned candidate for Lok Sabha from Mahasu Double Member (Reserved Seat) Parliamentary Constituency. Presently residing at New Delhi—Respondent No. 2.

Election petition against the election of respondent No. 1 to the Mahasu Parliamentary Constituency from General Seat, declared on 20th June, 1957.

Sir,

The petitioner submits as under:—

1. That the election to the Lok Sabha from the double Member Mahasu Parliamentary Constituency, H.P., was held from 25th of May to 6th June, 1957.

2. That the nomination papers were filed by (i) Shri Yaswant Singh Parmar respondent No. 1, (ii) Shri Hira Singh Pal, Petitioner, (iii) Shri Satya Dev Bushari, (iv) Shri Devi Ram, (v) Shri A. R. Sewal, (vi) Shri Kameshwar Pandit, (vii) and Shri Raghunandan Lal (for General Seat) (viii) Shri Nek Ram respondent No. 2 (ix) Shri Saran Dass and (x) Shri Anokhi Ram (for Reserved Seat). The nomination papers of all the said candidates were held valid on scrutiny, but Shri Raghunandan Lal and Shri Kameshwar Pandit withdrew their nominations.

3. That the counting of votes took place from 15th to 20th June, 1957 and the respondents were declared elected on 20th June, 1957.

4. That the election of respondent No. 1, returned candidate for the general seat, be declared void on the following ground amongst others:—

- (a) That the election of respondent No. 1 was induced and procured by corrupt practice of undue influence, committed by the respondent No. 1, his agents and supporters, with his consent and connivance, which materially affected the result of the election.

- (i) That the posters, bearing the photo of Shri Jawaharlal Nehru, under the heading "Vote for Dr. Y. S. Parmar" were circulated throughout the constituency and the voters were exhorted to give votes to respondent No. 1 in the name of Shri Jawaharlal Nehru, the Prime Minister of India. The innocent, illiterate and simple voters of this hilly constituency were induced by said undue influence, as if Pt. Jawaharlal Nehru, himself was seeking election from this constituency.

- (ii) By these posters and that votes were being demanded in the name of Pt. Jawaharlal Nehru, the Prime Minister of India, the whole of the Government machinery in the constituency moved to help respondent No. 1, so much so that the posters published by the H.P. Congress Committee were distributed through the Official machinery and at certain places, got these posters written and distributed by the Secretaries of the Panchayats.

- (iii) That Shri M. M. Shah, Union Minister for Industries, came to Nahan on 20th May, 1957, on the eve of election. The Nahan Foundry Ltd. is under the Management of the Government of India. The said Minister exhorted the workers and the employees of the afore-said foundry to vote and work for respondent No. 1.

- (iv) That the Maharaja of Patiala was invited by respondent No. 1 for his election campaign. The respondent No. 1 arranged a presentation of guard of honour by the Himachal Police at Paonta on 23rd May, 1957, when the said Maharaja visited that part of the constituency with regard to canvassing for respondent No. 1. It was then given out that the said Maharaja represented the Government and therefore, the guard of honour was presented to him and thus induced all the police and other Government servants to vote for respondent No. 1. He also exhorted the audience at this place and at Nahan, especially the Sikhs in the name of religion to vote for respondent No. 1.

- (v) That Shri Partap Singh Kairon, Chief Minister of Punjab, was invited by respondent No. 1 and the Himachal Congress to canvass for respondent No. 1. He visited and delivered speeches at Paonta,

Majra, Nahan, Sarahan and Solan on or about 21st, 22nd and 23rd May, 1957. The people in general and the sikhs in particular were asked to vote for respondent No. 1. At Solan he further added that Solan area was not developed as the voters of that constituency had voted for the opposition in the past and if the voters do not vote for the congress candidate, again, it would remain undeveloped thereby he unduly influenced by his position as Chief Minister, the voters in favour of respondent No. 1. He particularly exhorted the sikh voters in the name of religion to vote for the congress.

- (vi) That Shri Abid Ali, a Minister in the Central Government was invited by respondent No. 1 and the congress party to canvass in the constituency, especially for the Muslim voters. He at Misserwala (Paonta Tehsil) told the Muslim voters in the mosque to vote for respondent No. 1 on or about 24th May, 1957, otherwise they would meet the same fate as they met in the communal disturbances of 1947. The Muslim voters on account of undue influence, exhorted by the said minister, on account of his position in the Union Government, in the name of religion, voted for respondent No. 1.
- (vii) That respondent No. 1 and his agents conspired with the Conservator of Forests, Mr. Gaur, and declared the forest near villages Ajoli, Baliwala, Kishankot and others open for grazing their cattle. The services of the said Conservator of Forests were obtained with the only object of unduly influencing and bribing the voters of the said villages. This object was gained by the above mentioned promise and inducement. The said forest has now been closed by the said Conservator of Forests, after the poll.
- (viii) Rule 56(2) of the Territorial Council's (Election of members) Rules, 1957, makes it incumbent that the returning officer would count the votes of the different candidates for the Territorial Council after the polling in all the constituencies was over. The Returning Officers of the Territorial Council Constituencies for Sirmur and Mahasu Districts in direct contravention of the said Rule, counted and declared the results of the candidates before the poll was over in all the Constituencies with a view to unduly influence the voters of other Territorial Council Constituencies and to help the respondent No. 1. This indirect help by the returning officers materially affected the result of the petitioner's election.
- (b) That the election of respondent No. 1 is void as the corrupt practice amounting to bribery and fraud has been practised by respondent No. 1, his agents and other supporters with his consent and connivance and thereby materially affected the result of the election.
- (i) That the respondent No. 1 or with his active connivance printed-notes of various denominations from Rs. 5 to Rs. 1,00,000 and bearing photos of various personalities, were distributed among the illiterate and ignorant voters on the eve of election at Surajpur, Kanuwala and other villages in Paonata and Nahan Territorial Council constituencies, who were told that in lieu of these notes, the votes may be cast in favour of respondent No. 1.
- (ii) That one Shri Mohd. Ramzan, retired Kanungo and his son, Shri Mohd. Rehman, were made to vote and work for respondent No. 1 with a promise that his son Mohd. Rehman would be employed in the service of Nahan Municipality as the Secretary of the said Municipality is the ardent supporter of respondent No. 1. After elections, the said Shri Rehman has been so employed.
- (iii) That one Shri Satya Pal of Nahan was given a bribe in the presence of Shri Rajkumar of Nahan by Shri Babu Ram and Jaggan Nath of Dadahu, Tehsil Renuka who were supporters of respondent No. 1 with the consent of respondent No. 1 at Rajana Polling Station on the night of 2nd June, 1957. He was appointed Polling Agent. The same supporters also bribed other persons in the same village in the presence of Shri Satya Pal and Rajkumar of Nahan on the same night, and appointed them as Polling Agents of respondent No. 1 and the Congress candidate for the Territorial Council.

- (c) That the respondent No. 1 obtained, procured or abetted or attempted to obtain, procure by himself, by his agents and by his supporters, the assistance of the Government servants for the furtherance of his prospects of election:
- (i) That one Shri Amar Singh of Shivpur, Tehsil Paonta, District Sirmur is a member of the Armed Forces of the Indian Union. He worked and canvassed for respondent No. 1 day and night in the villages of Shivpur, Kanuwala, Haripur and other villages few days before the polling. This Amar Singh was also appointed as Polling Agent by respondent No. 1 for Polling Station Shivpur No. 13 on 25th May, 1957.
- (ii) That one Shri Hari Chand is the Secretary of the Municipality Nahan. The Municipal Committee was superseded before election. The said Secretary openly worked and prevailed upon the Municipal employees and others to vote for respondent No. 1.
- (iii) Almost all the employees with the exception of a few of the Nahan Foundry Ltd. which is a Union Government concern worked for respondent No. 1 with the consent and support of the Union Minister for Industries. The following employees of the Nahan Foundry played a leading roll in organising the election campaign and canvassing for respondent No. 1 mostly in Nahan and Paonta Territorial Council Constituencies where they have relations in the villages, from 21st May, 1957 to the date of Polling in those constituencies:—
- (1) Shri Ramesh Joshi.
 - (2) Shri Mahesh Chander Sharma.
 - (3) Shri Sham Sunder.
 - (4) Shri Gulam Saber.
 - (5) Shri Abdul Rashid.
 - (6) Shri Rikhi Ram.
 - (7) Shri Mohd. Yasin.
 - (8) Shri Surjit Singh.
 - (9) Shri Boor Singh.
 - (10) Shri Mool Singh.
 - (11) Shri J. P. Dhaul.
 - (12) Shri Shekhar Chand Jain.
 - (13) Shri Sant Ram.
 - (14) Shri Lal Khan.
 - (15) Shri Harbhajan Singh.
 - (16) Shri Ram Swaroop.
 - (17) Shri Misri Lal.
 - (18) Shri Prem Lal.
 - (19) Shri Dharm Lal.
 - (20) Mistri Ram Swaroop.
 - (21) Shri Umar Daraz.
- (iv) That respondent No. 1 and his agents conspired with the conservator of Forests, Mr. Gaur and declared the forests near villages Ajoli, Balli-walla, Kishankot and others open for grazing their cattle. The services of the said Conservator of Forests, were obtained for unduly influencing the voters thus the said Conservator of Forests worked for respondent No. 1.
- (v) That one Shri Sunder Singh was appointed by the Himachal Government as Assistant Manager, Court of Wards, Maharaj Ranvijaya Singh of Nahan. He threatened the various tenants of the ward that in case they did not vote for respondent No. 1 they would be ejected and suffer heavily. He canvassed and worked for respondent No. 1 throughout the District Sirmur and particularly in Nahan and

Rainka Territorial constituencies. He worked in Rainka Territorial constituency on Polling Stations Nos. 46, 48 and 49 on 5th and 6th June, 1957.

- (vi) That Rule 56(2) of the Territorial Council's (Election of Members) Rules, 1957, makes it incumbent that the Returning Officers would count the votes of the different candidates for the Territorial Council after the polling in all the constituencies was over. The Returning Officers for Sirmur and Mahasu districts in direct contravention of said rules, counted and declared the results of the candidates before the polling was over in all the constituencies with a view to unduly influence the voters of the other Territorial Council constituencies, so that to help respondent No. 1. This indirect help by the Returning Officers materially affected the result of the Petitioner's election.
- (vii) That the respondent No. 1 obtained, procured and abetted and attempted to procure assistance from Lambardars in canvassing, influencing the electorate in respondent No. 1's favour and organising his election campaign. Besides others Sarvshri Sumer Chand and Surat Ram Lambardars were appointed polling agents at Polling Station No. 4 (Puruwala-Kanshipur) and 106 (Tandyula) respectively.
- (d) That the election of respondent No. 1 is void, as it has been materially affected by the non-observance of the various provisions of the Representation of People's Act, 1951 and the Rules and orders, framed thereunder:
- (i) Polling Station No. 433 was announced and published at Jonli, where no polling took place but actually polling took place at Sungri two miles away from Jonli in Rohru Tehsil, Mahasu district. Many voters from this polling area were unable to cast their votes and returned to their homes after going to Jonli polling station and finding no arrangement for casting their votes.
- (ii) Polling Station No. 416 was announced and published at Kathari, where no polling took place, but actually polling took place at Ghasni village, a few miles away. Thus many voters could not exercise their right of vote as no publicity was given about this change.
- (iii) Polling Station No. 83 was announced and published at Shiasu, but the actual Polling did not take place at Shiasu and took place at Sarog, two miles away from Shiasu. Many voters could not cast their votes on account of this change.
- (iv) In Polling Station No. 247 (Bambira) a temporary structure was pitched for the polling but at about 1 P.M. the said station was shifted to a house. Many voters, who had to cast their votes in that polling station went back without exercising their right of vote.
- (v) In Polling Station No. 46 (Ganog) temporary structure was pitched for polling but later the same was removed on account of rains to some other place. Many voters, who had come to cast their votes, could not cast the votes on account of this change.
- (c) That the respondent No. 1 by himself, his agents and supporters with his consent induced innumerable voters by promise of gratification and bribery to cast their votes in the name of other and fictitious persons. This corrupt practice was done on a large scale, which materially affected the result of the election.
- (i) That one Shri Soran, s/o Shri Rulia, village Devni, Tehsil Nahan, by impersonating his father, cast a vote for Parliament, but was arrested while casting his vote for Territorial Council at Polling Station No. 29 (Devni) on 28th May, 1957.
- (ii) That Shri Mela Ram impersonated for one Shri Kanshi Ram of village Thanga, Tehsil Rainka at Polling Station No. 102 (Naura) on 3rd June, 1957.

- (f) That the election of respondent No. 1 is void as the election staff at the instigation of respondent No. 1 and others with his consent helped respondent No. 1. This materially affected the result of the election:
- (i) That it has been the practice and also in accordance with the rules prescribed, the ballot boxes for the Assembly or the Territorial Council were to be kept in the first booth and those of the Parliament in the second. The voter was first to be given ballot paper for the Assembly or the Territorial Council and subsequent to that for Parliament. But the Election Staff to help the respondent No. 1 reversed the procedure, and no publicity was given to this change. Even the petitioner was not informed of the change.
 - (ii) That innumerable ballot papers for Parliament were reported to be lost in Mahasu Parliamentary Constituency but no notification was issued to this effect. It is apprehended that this was done to help the respondent No. 1.
 - (iii) That it was found at the time of the counting that in Polling Station No. 554 (Murang) a ballot box contained an outside symbol of respondent No. 1 but the inside symbol was that of Sh. Satyadev Bushari.
 - (g) That the Government machinery tampered with the ballot boxes, in order to help the respondent No. 1 and such tampering is evident from the following:
 - (i) A stone was found in the ballot box of Shri Devi Ram in Polling Station No. 575.
 - (ii) A match box was found in the ballot box of Shri Ishwar Chand a candidate for the Territorial Council in polling station No. 43.
 - (h) That the return of election expenses filed by respondent No. 1 does not satisfy the requirements under the Act and rules for doing so. He has spent more than the prescribed limit and the following expenses have not at all been included in the return:
 - (i) Maharaja Patiala, Union Ministers, State Ministers, Members of Parliament, Members of Assemblies, along with hundreds of other workers worked, canvassed and toured the constituency for respondent No. 1 during the election period but no expenses incurred on their tour have been shown in the return.
 - (ii) Hundreds of public meetings were organised throughout the constituency, where mikes were used but no expenses have been included in the return.
 - (iii) Many maunds of posters, hand bills, slips, pamphlets and other printed material were distributed throughout the constituency for which no expenditure has been shown in the return.
 - (iv) A huge amount of expenditure was incurred by the respondent No. 1 for the polling agents, supporters and organising small election camps, outside the polling booths on the polling days at 606 polling stations for which no expenditure has been shown in the return.
 - (v) Many jeeps and cars were employed by respondent No. 1 during election period but no expenditure on account of hire and repairs have been shown in the return.

5. That the petitioner has deposited Rs. 1,000 (one thousand rupees only) in Government Treasury, Simla in favour of the Secretary, to the Election Commission of India, New Delhi, as security for the costs of the petition. The Treasury receipt for the same is enclosed herewith.

It is, therefore, respectfully prayed that the election petition may kindly be accepted with costs and the election of respondent No. 1 to the Mahasu Parliamentary Constituency from General Seat be declared void and set aside.

(Sd.) HIRA SINGH PAL,

Petitioner,

36, Mall, Simla.

Verification

I, Hira Singh Pal, petitioner, verify that the contents of the paragraphs Nos. 1 to 3 and 5 of the petition are true to my knowledge and the contents of paragraph No. 4 of the petition are true to the best of my information, knowledge and belief. Verified this third day of August, 1957, at New Delhi.

(Sd.) HIRA SINGH PAL,
Petitioner.

[No. 82/479/57.]

By Order,
DIN DAYAL, Under Secy.

